

**ZONING BOARD OF APPEALS
SATURDAY, APRIL 26, 2014
4:00 P.M.**

Present: Chairman Charles Mott, Ogden Lewis, Alexander Ames, and Village Attorney Richard DePetrìs

Absent: T. David Mullen , Robert Treuhold, and Brendan Ryan

1) Chairman Mott brought the meeting to order. The minutes of the **March 29, 2014** meeting were approved into the record. Mr. Mott also included that the next meeting would be held on **June 7, 2014** at **4 PM**.

2) First on the agenda was the amended application of **Srinivas Modukuri**, for a variance in order to permit proposed concrete play surface with a street setback of 81 feet. Premises are known as **5 Sandacres Lane. TM #902-7.1-4.27**

Landscape architect, **Susan Wilcenski**, acted as agent for the applicant, who was also present. In reference to their requested variance for the recreational area, they realized they had made an error in reading the zoning code. They assumed that the wording in the code 'from the street' meant literally from the street pavement as opposed to the property line. The owner planed to add more screening even though their property is already well screened and in a cul de sac. Mrs. Wilcenski presented the board with photos of the property. She also included that they would be removing a full sized tennis court to install the play area. The play surface would be used as a paved recreational surface for the home owner's two young children to use riding toys with wheels such as tricycles, wagons scooter, roller skates etc. Mrs. Wilcenski said they would remain within lot coverage requirements.

DECISION: MR. MOTT MOVED TO GRANT THE VARIANCE FOR THE PLAY SURFACE SETBACK OF 81 FEET SUBJECT TO THE FOLLOWING CONDITIONS: 1) THE APPROVED USE OF THE CONCRETE PLAY SURFACE IS FOR THE HOMEOWNER'S YOUNG CHILDREN TO USE RIDING TOYS WITH WHEELS SUCH AS TRICYCLES, WAGONS, SCOOTER, ROLLER SKATES ETC. 2) NO OTHER USE SHALL BE MADE OF THE CONCRETE PLAY SURFACE WITHOUT FURTHER APPROVAL OF THE ZONING BOARD. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next, was the application of **James Cramer** for a setback variance to 8 feet from westerly line in order to permit proposed bike shed. Premises are known as **5 Village Lane**. TM #902-7-2-37

Mr. and Mrs. Cramer were both present for their application discussion. Mrs. Cramer explained that they had a doll house on their property that was put in place by the previous owners for their children's use as a play house. The Cramer's have older children and the family uses the 'play house' as a place to store bikes, fishing rods, surf boards, gardening tools, etc. Since they do not have a garage, they submitted their application to increase the size of the 'play house' to about 10 feet by 13 feet, using the same design and plan, just making it larger. Mrs. Cramer clarified things by saying they were proposing to take the 'play house' down and put a shed in the same location but a little closer to their neighbor, the O'Connors, property line. She explained that the neighbors also had a shed close to the property, indicating the two sheds would be close to each other. The board observed that the Cramers had plenty of room on the side of their property closer to the Village Hall and using that area they would not have forced them to come before the board for a variance. Mrs. Cramer explained that her family used that area for their very large vegetable garden. The board explained that they would be happier if the proposed new shed was located in a more conforming position as the original 'play house' was constructed without a permit, so it is consider an illegally structure. Mrs. Cramer submitted a rendering by their architect for the board to consider. The board decided to consider the application further in executive session.

4) Next, was the application of **Robert Merckle** for a front yard variance to 41.3 feet and a height variance to 22 feet within the required front yard in order to permit proposed house. Premises are known as **5 Bayberry Road**. TM #902-4-2-30

Attorney **Randall Weichbrodt** was present for the applicant. He explained that the property had issues that the board was already aware of since the owner, Robert Merckle, had been before the zoning board in 2010, seeking a variance, but was denied. He explained that because Bayberry road actually ended before his client's house, and the only access to Mr. Merckle's house was by a common drive, he felt that after looking at the site specifics of the property, the board would agree that the requested variances would not create any detriment to neighboring properties. The board asked to see elevation plans, which Mr. Weichbrodt said he had requested from the surveyor, who wasn't able to provide them prior to the meeting. Mr. Weichbrodt would be glad to get surveys to the board as soon as they were available. The board specifically needed to see written data concerning the front elevation. They also indicated that when Mr. Weichbrodt received the data from the surveyor, he should go over the FEMA information with the building inspector, as it could change the whole perspective of the application. Mr. Weichbrodt agreed.

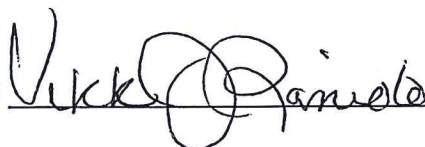
DECISION: MR. MOTT MOVED TO ADJOURN THE MERCKLE APPLICATION FOR FURTHER INFORMATION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) The board went into executive session and after executive session, the board ruled on the **Cramer** application.

DECISION: MR. MOTT MOVED TO DENY THE CRAMER APPLICATION WITHOUT PREJUDICE TO A NEW APPLICATION SHOWING A MORE CONFORMING SETBACK. IF ANY NEW APPLICATION IS MADE IT SHALL BE SHOWN ON A SURVEY PREPARED BY A SURVEYOR OR A SITE PLAN PREPARED BY AN ARCHITECT. MR. LEWIS SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by:

 File date: 5/12/14